

### **6-82-601. Tuition waiver for dependents of certain veterans.**

(a) As used in this section:

(1) “Dependent” means a spouse or any child born or conceived by, legally adopted by, or under the legal guardianship of a prisoner of war or person declared to be missing in action or killed in action or killed on ordnance delivery, or disabled veteran. The dependent child or spouse of a prisoner of war, veteran missing in action, or killed in action or killed on ordnance delivery, or disabled veteran must be a current resident of Arkansas. Stepchildren of the veteran are not eligible unless they have been legally adopted by the veteran or the veteran has been appointed as the legal guardian of the stepchild. A dependent child must meet the definition of dependent child as established by the U.S. Federal Department of Education;

(2) “Disabled veteran” means a person who has been awarded special monthly compensation by the federal Department of Veterans Affairs for service-connected, one hundred percent (100%) total and permanent disability;

(3) “Ordnance delivery” means the piloting of or flying in an experimental or test aircraft while determining its fitness or ability to perform its military function or mission; and

(4) “Prisoner of war”, “person missing in action”, “person killed in action”, “person killed on ordnance delivery”, and “disabled veteran” means any person who was a resident of the State of Arkansas at the time that person entered the service of the United States armed forces or whose official residence is within the State of Arkansas and who, while serving in the armed forces, has been declared to be a prisoner of war, a person missing in action, or a person killed in action as established by the Secretary of Defense of the United States after January 1, 1960, or a person killed on ordnance delivery, or has been declared by the federal Department of Veterans Affairs to be one hundred percent (100%) totally and permanently disabled as a result of service-connected injuries or service-connected medical conditions. It is not necessary for the purposes of these definitions that capture or death occur during a declared war or as a result of hostile actions. A death as result of injuries received while serving in the armed forces is only covered by this statute if the death occurred while on active duty.

(b) Each applicant must apply for the Dependents' Educational Assistance Program (DEA) Chapter 35 of Title 38 of the U.S. Code with the federal Department of Veterans' Affairs. The applicant must provide the Arkansas Department of Higher Education with proof of acceptance of DEA or non-eligibility into DEA upon application to this program.

(c) The Arkansas Higher Education Coordinating Board and the State Board of Education are directed, authorized, and empowered to promulgate and adopt such rules and regulations as are necessary to implement the provisions of this section.

(d) (1) Except as provided under subdivision (d)(2) of this section, a dependent of a disabled veteran, a prisoner of war, or a person declared to be missing in action or killed in action, or a person killed on ordnance delivery as defined by the provisions of this section, upon his or her being accepted for enrollment into any state-supported institution of higher education

in the State of Arkansas, shall be allowed to obtain a bachelor's degree for so long as he or she is eligible with state assistance for tuition, fees, or other charges as provided under this subsection (d).

(2) (A) The state assistance under this section is limited to the tuition, fees, or other charges that exceed the amount of monetary benefits that the dependent receives from the Dependents' Educational Assistance Program during the months included in each semester in which the dependent is enrolled.

(B) If the dependent is not eligible for monetary benefits from the Dependents' Educational Assistance Program but is eligible for the benefits under this section, the dependent shall be allowed to obtain a bachelor's degree free of tuition, fees, or other charges from the state-supported institution of higher education.

(e) Once a person qualifies as a dependent under the terms and provisions of this section, there shall be no situation such as the return of the parent or the reported death of the parent that will remove the dependent from the provisions or benefits of this section.

(f) An eligible recipient shall receive a scholarship for one (1) academic year, renewable for up to three (3) additional academic years if the recipient meets continuing eligibility criteria established by the Department of Higher Education.

(g) Any person receiving this scholarship as of June 30, 2007, will be grandfathered into the program under the law as stated prior to July 1, 2007.

(h) In compliance with the Arkansas Department of Higher Education's scholarship stacking policy, no student's total financial aid package, which can include multiple scholarships, can exceed the recognized cost of attendance at a higher education institution.

**History.** Acts 1973, No. 188, §§ 1-3; A.S.A. 1947, §§ 80-3363 — 80-3365; Acts 1987, No. 72, §§ 1, 2; 1989, No. 759, § 1; 2005, No. 2127, § 1; 2007, No. 717, § 1.

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